



2022 LEGISLATIVE PRIORITIES

Each January, beginning in 2022, NCBF will release our legislative priorities for the upcoming legislative session. Our advocacy direction will primarily focus on dismantling and transforming two of the key racialized systems perpetuating poverty, injustice, and dehumanization: criminal punishment and mass incarceration.

HB 1169

Concerning sentencing enhancements.

- Eliminates the sentencing enhancement for certain controlled substances violations committed in protected zones, as well as the sentencing enhancement for involving a minor in a criminal street gang-related felony.
- Removes the requirement that a court order multiple firearm or deadly weapons enhancements to be served consecutively, and instead leaves the matter within the discretion of the court.
- Provides a process for resentencing persons who are currently serving a sentence that includes multiple, consecutive firearm enhancements.
- Removes current law restrictions on partial confinement and earned early release for sentencing enhancements, and applies the changes retroactively to all incarcerated persons.

HB 1344

Allowing qualifying persons serving long sentences committed prior to reaching 25 years of age to seek review for possible release from incarceration.

- Allows a person incarcerated for an offense committed under age 25 to petition the Indeterminate Sentence Review Board (ISRB) for release after serving 15 years, with some exceptions, and requires the ISRB to release the person unless he or she is likely to commit new crimes.
- Eliminates the sentence of life without the possibility of release for Aggravated Murder in the first degree committed between the ages of 16 and 25.

- Requires a sentence of 25 years to life, with a review for release by the ISRB after serving 25 years, for any person who commits the offense between the age of 16 and 25, and requires the ISRB to release a person after he or she serves the minimum term unless he or she is likely to commit new crimes.

HB 1412/SB 5486

Concerning legal financial obligations

- Allows a court to not impose or waive full or partial restitution and accrued interest owed to any insurer or entity that is not an individual if the offender does not have the current or likely future ability to pay.
- Allows a court to not impose interest on restitution after inquiring into and considering specified factors and input of the victim, and revises standards for waiver of accrued interest on restitution and non-restitution obligations.
- Revises the time periods in which judgments for restitution and non-restitution legal financial obligations may be enforced.
- Establishes a revised standard of indigency for purposes of a number of provisions applicable to legal financial obligations.
- Allows a defendant at any time to petition the sentencing court for the remission of the payment of any fines or unpaid portion of fines based on manifest hardship.

HB 1413

Scoring of prior juvenile offenses in sentencing range calculations.

- Excludes juvenile dispositions from offender score calculations. Requires courts, until July 1, 2025, to grant a resentencing hearing upon the motion of a person whose sentence was increased by the inclusion of prior juvenile dispositions in the person's offender score calculation.

SB 5036

Concerning conditional commutation by the clemency and pardons board.

- Expands and modifies the membership of the Clemency and Pardons Board (CPB).
- Establishes a process for qualifying individuals to petition the CPB for conditional commutations, and requires the CPB to recommend to the Governor that conditional commutations be granted in certain circumstances.

- Authorizes the Department of Corrections to supervise individuals granted a conditional commutation by the Governor.
- Expands the eligibility criteria and modifies electronic monitoring requirements for individuals granted extraordinary medical placement by the Department of Corrections.

SB 5413/HB 1312

Concerning solitary confinement.

- Restricts the use of solitary confinement in state correctional facilities, except in certain limited circumstances.
- Requires the Secretary of the Department of Corrections to adopt certain regulations, policies, and procedures.
- Directs cities and counties that operate jails to compile specific information on the use of solitary confinement at each jail and submit to the Washington Association of Sheriffs and Police Chiefs (WASPC).
- Requires WASPC to submit both an initial and updated report to the Legislature.

HB 1637

Mental health mitigating circumstances

Allows a court to mitigate a criminal sentence when the defendant was experiencing mental illness at the time of the offense.

HB 1692

Promoting racial equity in the criminal legal system by eliminating drive-by shooting as a basis for elevating murder in the first degree to aggravated murder in the first degree.

SB 5573

Concerning drug offender sentencing alternatives for offenders convicted of driving or control of a vehicle while under the influence.

SB 5535 - Juvenile LFO Bill

Eliminate Parent Pay (DCYF agency request bill)

Housing Justice Act

Addressing housing concerns for individuals impacted by the criminal justice

system

- Bill is currently being drafted by the Housing Justice Coalition. Rep. Tara Simmons will be sponsoring the bill.